

### **Remarks**

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-20 are pending in the patent application upon entry of this Amendment. In this Amendment, the Applicant has not amended, cancelled, or added any claims.

#### **The Specification**

In the Office Action mailed on January 30, 2004, the Examiner objected to the abstract for containing more than 150 words. The Applicant has amended the abstract accordingly.

#### **Double Patenting**

The Examiner objected to claims 5 and 7-10 under 37 C.F.R. § 1.75 as being a substantial duplicate of claims 2 and 4-7. The Applicant respectfully traverses this objection as these claims are not duplicates and as these claims cover different things. The Applicant is also confused to this objection as the Examiner has listed claims 5 and 7 in both conflicting claim sets. If the Examiner maintains this objection, the Applicant respectfully requests that the Examiner specifically identify the claims of claim pairs which are substantial duplicates to one another.

#### **Claim Rejections - 35 U.S.C. § 102**

The Examiner rejected claims 1-3, 5-9, 11-17, 19, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,640,251 issued to Wiget et al. ("Wiget"). The Applicant respectfully traverses this rejection as Wiget is not prior art to the patent application under 35 U.S.C. § 102.

The patent application is a continuation of U.S. application serial no. 09/041,534, filed on March 12, 1998, now U.S. Patent No. 6,130,892 ('the '892 patent') having an issue date of October 10, 2000, which is a continuation-in-part of U.S. application serial no. 08/816,174 ('the '174 application'), filed on March 12, 1997, now abandoned. The Applicant filed a Preliminary Amendment on January 16, 2003 in order to amend the patent application to include a cross-reference to the '892 patent and the '174 application as required by 35 U.S.C. § 120. As the patent application was filed on October 6, 2000 (i.e., prior to November 29, 2000) the inserted cross-reference of the Preliminary Amendment is timely.

As such, all of the subject matter of the patent application has a priority date of March 12, 1998 (i.e., the filing date of the '892 patent) and the subject matter of the patent application common with the subject matter of the '174 application has a priority date of March 12, 1997 (i.e., the filing date of the '174 application).

Accordingly, the patent application has a priority date of at least March 12, 1998. This priority date of the patent application precedes the filing date of Wiget which is September 17, 1999. Therefore, Wiget is not prior art to the patent application under 35 U.S.C. § 102 and the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 102(e) in view of Wiget.

**Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims 4, 10, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,640,251 issued to Wiget et al. in view of U.S. Publication No. 2002/0097674 issued to Balabhadrapatruni et al. ("Balabhadrapatruni"). As indicated above, Wiget is not prior art to the patent application under 35 U.S.C. § 102 and therefore is not prior art to the patent application under 35 U.S.C. § 103(a).

Likewise, Balabhadrapatruni is not prior art to the patent application under 35 U.S.C. § 102 as the earliest priority date of Balabhadrapatruni is September 22, 2000 which

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is later than the priority date of the patent application which is at least March 12, 1998. Therefore, Balabhadrapatruni is not prior art to the patent application under 35 U.S.C. § 103(a). Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

### CONCLUSION

In summary, claims 1-20 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

**JOEL E. SHORT et al.**

By

  
James N. Kallis

Reg. No. 41,102

Attorney for Applicant

Date: February 10, 2004

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351